

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**ERRATA NOTICE**

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to D.C. Official Code § 2-559 (2006 Repl.), entitled “**Correction of errors in documents**,” hereby gives notice of the following correction to the text of the *District of Columbia Municipal Regulations* which was amended by a Notice of Final Rulemaking published in the *District of Columbia Register*, and issued by the Department of Public Works on December 11, 1998 at 45 DCR 8865. The Notice of Final Rulemaking amended Title 18 of the DCMR Chapter 26 Section 2601, “Parking and Other Non-Moving Infractions.” The current Title 18, entitled “**Vehicles and Traffic**,” does not accurately contain the text of subsection 2601.1 as that chapter was amended regarding parking on a snow emergency route. Therefore, this notice is being published to provide the *District of Columbia Register* citation and correct regulation regarding parking on a snow emergency route.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

**2600 CIVIL FINES FOR MOTOR VEHICLE MOVING
INFRACTIONS**

2600.1 The following civil infractions and their respective fine amounts set forth in this section do not include those major moving violations for which jurisdiction remains in the Superior Court:

Snow Emergency Regulations

Violation of [§ 2219]

\$ 250.00

2601 PARKING AND OTHER NON-MOVING INFRACTIONS

2601.1 The civil infractions and their respective fines set forth in this subsection refer to parking or parked vehicles.

INFRACTION (DCMR Citation)

FILE

Snow emergency route, on during prohibited period [§ 2417.2]

\$ 250.00

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in section 19(a)(3) of the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code § 47-2885.18.01(a)(3)); section 301 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981, (D. C. Law 4-29; D.C. Official Code § 48-901.01); Mayor's Order 98-48, dated April 15, 1998, section 4902 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, (D.C. Law 14-28; D.C. Official Code § 7-731); section 15 of the District of Columbia Drug Manufacture and Distribution Licensure Act of 1990, effective June 13, 1990, (D.C. Law 8-137; D.C. Official Code § 48-714(a)); and Mayor's Order 98-88, dated May 29, 1998, hereby gives notice of the adoption of the following amendments to Chapter 13 (Prescriptions and Distribution) of Title 22 of the District of Columbia Municipal Regulations (DCMR).

The purpose of this amendment is to conform the District's regulations with their Federal counterpart as set forth in 21 CFR § 1306.12, which allows practitioners to issue multiple prescriptions for Schedule II controlled substances to authorize the patient to receive up to a ninety (90)-day supply.

These rules were previously published in the *D.C. Register* as proposed rulemaking on July 10, 2009 at 56 DCR 5620 and on November 13, 2009 at 56 DCR 8853. No written comments were received from the public in connection with the November 13, 2009 publication and no changes have been made from the rulemaking published on November 13, 2009. These final rules will be effective upon publication of this notice in the *D.C. Register*.

CHAPTER 13 (PRESCRIPTIONS AND DISTRIBUTION) of Title 22 DCMR is amended as follows:

Section 1306.2 is amended to read as follows:

- 1306.2 A prescription for a controlled substance listed in Schedule II shall not be filled if submitted more than thirty (30) days after the date on which the prescription is written; except as follows:
- (a) A pharmacist may fill a prescription for a controlled substance listed in Schedule II that was submitted to the pharmacy more than thirty (30) days after the date on which it was written, if it is clear on the face of the prescription that the individual practitioner issued multiple prescriptions authorizing the patient to receive a total of up to a ninety (90)-day supply of the Schedule II controlled substance and:

- (i) Each separate prescription was issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice;
- (ii) The individual practitioner provided written instructions on each prescription (other than the first prescription, if the prescribing practitioner intends for that prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription; and
- (iii) The prescription is presented to the pharmacy for filling not more than ninety (90) days after the date on which the prescription was written.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

AND

Z.C. ORDER NO. 09-11

Z.C. Case No. 09-11

(Text Amendment – 11 DCMR)

**(Text amendments to permit retail and service uses by special exception in
Special Purpose-2 (SP-2) Districts)**

January 11, 2010

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code §§ 6-641.01 and 641.03); hereby gives notice of adoption of the following text amendments to the Zoning Regulations of the District of Columbia, DCMR Title 11. A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on November 20, 2009, at 56 DCR 8990. The amendments shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendments

The text amendments permit by special exception certain retail and service uses of SP-2 zoned properties located south of M Street N.W. and N.E. The retail and service uses permitted are the same as those permitted as a matter of right in the C-1 Zone District by §§ 701.1 through 701.5 of the Zoning Regulations. The use must be located on or below the ground floor of the building, and must be located and designed so it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions. The use may not include a drive-through. In approving the use, the Board of Zoning Adjustment may impose requirements pertaining to screening, signage, or other requirements it deems necessary to protect adjacent or nearby property.

Procedures Leading to Adoption of Amendments

The Office of Planning (“OP”), in a report dated July 17, 2009, petitioned the Commission for a text amendment to permit by special exception certain retail or service uses on or below the ground floors of SP-2 Zone District properties located south of M Street N.W. and N.E. The Zoning Commission voted to set down the proposal for hearing at its July 27, 2009 public meeting.

In response to notice given pursuant to § 13 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10), Advisory Neighborhood Commission (“ANC”) 2A, one of the ANCs with property currently zoned SP-2 that would be affected by the proposed amendments, filed a report with the Commission stating that at a regularly-scheduled, properly-noticed meeting with a quorum present, held on October 5, 2009, ANC 2A had voted unanimously to support the petition. The report stated that ANC 2A supported the proposed amendment because it was consistent with its goal to make the existing SP-2 zoned property more vibrant and pedestrian

friendly. As indicated by its adoption of these amendments, the Zoning Commission found this advice to be persuasive.

A public hearing was scheduled for and held on October 29, 2009, after which the Commission authorized the referral of the proposed text to the National Capital Planning Commission and the publication of a notice of proposed rulemaking in the *D.C. Register*.

NCPC, through a delegated action dated November 24, 2009, found that the proposed text amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital. (Exhibit No. 13.)

The Notice of Proposed Rulemaking was published in the *D.C. Register* on November 20, 2009, 56 DCR 8990, for a 30-day notice and comment period. No comments were received.

At a properly noticed January 11, 2010 public meeting, the Commission took final action to adopt the text amendments as follows:

The proposed amendments to the Zoning Regulations (Title 11, DCMR) are as follows:

1. CHAPTER 5, SPECIAL PURPOSE DISTRICTS is amended by adding a new § 518 that reads as follows:

518 RETAIL AND SERVICE USES (SP-2)

518.1 The uses identified in § 518.4 shall be permitted in certain properties in an SP-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

518.2 The properties are those located south of M Street, N.W. and N.E.

518.3 The uses shall be located on or below the ground floor of the building.

518.4 The uses shall be those permitted in §§ 701.1 through 701.5 of this Title;

518.5 The uses shall not include a drive-through.

518.6 The uses shall be located and designed such that they are not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions.

518.7 The Board of Zoning Adjustment may impose requirements pertaining to screening, signage, or other requirements it deems necessary to protect adjacent or nearby property.

2. CHAPTER 21, OFF-STREET PARKING REQUIREMENTS, § 2101.1 (Table) is amended by adding minimum parking space requirement for the SP-2 Zone District to those appearing under the use “retail or service establishment except gasoline service station and repair garage.” That portion of the schedule will read as follows:

USESNUMBER OF PARKING
SPACES REQUIREDRetail or service establishment except gasoline
service station and repair garage:C-1, C-2-A, C-3-A,
C-M-1, MIn excess of 3,000 ft.²,
1 for each additional 300 ft.²
of gross floor area and
cellar floor areaW, CR, C-2-B, C-2-C,
C-3-B, C-3-C, C-M-2, C-M-3In excess of 3,000 ft.²,
1 for each additional
750 ft.² of gross floor area

C-4

In excess of 30,000 ft.²,
1 for each additional
3,000 ft.² of gross floor area

C-5 (PAD)

No requirement

SP-2 (If property is located south of
M Street N.W. and N.E.)In excess of 2,000 ft.²,
1 for each additional
1,800 ft.² of gross floor area

3. Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding the following to the chart appended to § 3104.1:

TYPE OF SPECIAL
EXCEPTIONZONE DISTRICTSECTIONS IN WHICH THE
CONDITIONS ARE
SPECIFIEDRetail and Service Uses
on or below the ground
floor of properties located
south of M Street N.W.
and N.E.

SP-2 District

§§ 518.2 - 518.7

On October 29, 2009, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the petition at the end of the hearing on this case by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W. Keating, III not present, not voting).

On January 11, 2010, upon motion of Chairman Hood, as seconded by Commissioner Schlater,

the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt; William W. Keating, III, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on February 5, 2010.